

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
Case No.: 9:23-cv-81150-RLR**

ANDREW TATE AND TRISTAN TATE,

Plaintiffs,

v.

JANE DOE et al.,

Defendants.

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**DEFENDANTS' MOTION TO COMPEL PLAINTIFFS TO COMPLY WITH COURT ORDER, AND FOR SANCTIONS**

Defendants, through undersigned counsel and pursuant to the Federal Rules of Civil Procedure<sup>1</sup>, Local Rules for the Southern District of Florida, and this Court's Order of September 20, 2023, respectfully request this Court hold Plaintiffs in contempt for their willful violation of this Court's Order of September 20, 2023, granting Defendants' Motion to Proceed Under Pseudonym [DE 46], and order Plaintiffs to pay attorneys' fees associated with Defendants' motion and any other sanction the Court finds appropriate considering the injury and prejudice to the Defendants caused by the deliberate, continued violation.

1. On September 20, 2023, this Court Granted Defendants Motion to Proceed Under Pseudonym finding "there is a risk of physical harm and that the safety concerns apply equally to all Defendants." [DE 46]
2. On October 24, 2023, Plaintiffs filed their Response in Opposition to Jane Doe's Motion to Dismiss [DE 70] and in violation of this Court's Order failed to use the Pseudonym but instead used Defendant Jane Doe's real name at least twice. [DE 70 at 9].
3. Also on October 24, 2023, Plaintiffs filed their Response in Opposition to June Doe, John Doe, and Liam Doe's Motion to Dismiss [DE 71] and in violation of this Court's Order failed to use the Pseudonym but instead used Defendant Jane Doe's real name at least

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<sup>1</sup> Federal Rule of Civil Procedure 16(f) states that, "[o]n motion or on its own, the court may issue any just orders . . . if a party or its attorney . . . fails to obey a scheduling or other pretrial order."

once, [DE 71 at 20, note 10], and provided a link to a Google Drive document that contains Jane Doe's real name. [DE 71 at 14, note 9].

4. Additionally, counsel for the Plaintiffs shared the unredacted complaint when appearing on a September 8, 2023 livestream<sup>2</sup> with Walker Weekes and Myron Gaines on their YouTube Channel entitled "FreshandFit" (@FreshFitMiami) which has 1.5 million subscribers and the Complaint remains available there in unredacted form. The livestream has received over 126,000 views.
5. According to Rule 7.1(a)(3) counsel for the Defendants sought to confer in good faith with counsel for the Plaintiffs via email on November 15, 2023, outlining the above, as well as asking that counsel for the Plaintiffs remove the unredacted Complaint from their firm website.
6. About an hour later, counsel for the Plaintiffs responded only, "Dear Dani Pinter, We are all very tired of your cringe messages." *See* Exhibit A.
7. Since November 15, counsel for Defendants have received no other reply from counsel for the Plaintiffs, the Plaintiffs' filings continue to be in violation, and the unredacted complaint remains on Youtube where Plaintiffs' counsel provided it. *See infra* note 2.
8. The failure to remedy the violation and the refusal to confer in good faith demonstrates Plaintiffs are willfully and deliberately violating this Court's Order [DE 46].
9. Therefore, Defendants respectfully request the Court order the Plaintiffs to comply with the Court's Order Granting Defendants' Motion to Proceed Under Pseudonym and refile the violative documents [DE 70 and 71], in compliance with the Order [DE 46], or to seal the documents, to remove the unredacted Complaint from wherever they have made it available online, and to order sanctions appropriate for the violations, including attorneys' fees.

Respectfully Submitted,

Date: November 20, 2023

By: /s/ Danielle Bianculli Pinter

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<sup>2</sup> *See Tate Strikes BACK! Tate attorney EXPOSES "Victims" LIES*, YOUTUBE (September 8, 2023) <https://www.youtube.com/watch?v=6ZD4Kk-qqWA&t=4011s>.

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**Certificate of Service**

I hereby certify that on November 20, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the below Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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